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U.S. Department of Agriculture  
HEARING PROCEDURE  
for  
ALL PERSONS  
who

APPEAR, TESTIFY, PRESENT EVIDENCE OR ARGUMENT

AT HEARINGS

upon

MARKETING AGREEMENTS, CODES, OR LICENSES

and

INFORMATION

as to

WHAT MUST BE DONE TO CONFORM WITH  
GOVERNMENT REGULATIONS

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL ADJUSTMENT ADMINISTRATION

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## I. PROCEDURE BEFORE OPENING OF THE HEARING

(A) Entering Appearances. All persons, their counsel or representatives who desire to be heard, to offer evidence, or to file any written statements or briefs at a hearing must enter their appearances by filling in Appearance Forms, which will be supplied either by the Assistant Hearing Clerk or the Official Reporter present at the hearing. Everyone entering an appearance will be given full opportunity to testify either orally, in writing, or both. No testimony will be inserted in the record unless the witness has entered his appearance in this manner.

Appearance forms may be executed at any time prior to the hearing through the office of the Chief Hearing Clerk, who will transmit the forms to the Presiding Officer assigned to the hearing.

## II. PROCEDURE DURING THE HEARING

(A) Responsibilities of Presiding Officer and Witnesses. The hearing will be held under the direction of a Presiding Officer, whose rulings will be final as to all decisions involving the conducting thereof.

All witnesses will be sworn before testifying. In the interest of economy and time, witnesses are to be as concise as possible in their statements and yet make their positions and views clear. Each witness will be required to state whom he represents or on behalf of whom he is speaking. The Presiding

Officer will restrain any witness from burdening the record with irrelevant or immaterial testimony. Cross-examination of witnesses will not be allowed and no questions will be permitted from the floor until the witness has concluded his statement. After the witness has concluded his statement it is discretionary with the Presiding Officer whether or not questions from the floor will be allowed, but in no case will such questions be allowed direct to the witness without permission first being obtained from the Presiding Officer. All persons attending the hearing, however, will have an opportunity to answer either by oral testimony or in writing any statement made by a witness. The Presiding Officer and other representatives of the Government sitting with him are empowered to ask witnesses questions at any time during the hearing in order to clarify their position and to assist the witnesses in bringing out necessary facts.

(B) Order of Testimony. At the hearing the following shall be the order or method of the proceedings unless the Presiding Officer shall, in his discretion, determine a different order or method of procedure (this procedure is quoted verbatim from General Regulations, Series 1, Revision 1, and Series 2).

1. Marketing Agreements.

(a) The Presiding Officer shall cause the proposed agreement to be read without argument or comment.

(b) Persons in favor of the proposed marketing agreement will be heard on the question of whether there should be any marketing agreement, and those proposing the marketing agreement shall



show that the proposed marketing agreement tends to effectuate the declared policy of the Act.

(c) Persons who are in opposition to the Secretary becoming a party to any marketing agreement will then be heard. No testimony will be permitted at this stage of the proceedings as to any specific provisions of the proposed marketing agreement.

(d) Persons in favor of the proposed marketing agreement will then be heard on the question of the advisability of the several provisions of the proposed marketing agreement.

(e) Persons who oppose any or all of the provisions of the marketing agreement or who desire to suggest additions, alterations, or modifications in respect of the proposed marketing agreement, will then be heard, and any such suggested additions, alterations, or modifications must be submitted in writing at such time.

(f) Persons in favor of the proposed marketing agreement will then be permitted to discuss any such suggested additions, alterations, or modifications.

## 2. Codes

(a) The Presiding Officer shall cause the proposed code to be read without argument or comment.

(b) The sponsors of such proposed code shall then show that (1) such sponsors impose no inequitable restrictions on admission to membership and are truly representative of the trade or industry or subdivision thereof for which the code is proposed and (2) that the proposed code is not

designed to promote monopolies or to eliminate or suppress small enterprises and will not operate to discriminate against them and will tend to effectuate the policy of the Act and (3) that the proposed code will not permit monopolies or monopolistic practices.

(c) Persons in favor of the proposed code will then be heard on the question of the advisability of the several provisions of the proposed code.

(d) Persons who oppose any or all of the provisions of the code or who desire to suggest additions, alterations, or modifications in respect of the proposed code will then be heard, and any such suggested additions, alterations, or modifications must be submitted in writing at such time.

(e) Persons in favor of the proposed code will then be permitted to discuss any such suggested additions, alterations, or modifications.

### 3. Licenses

Procedure with respect to licenses shall be substantially as that outlined above for marketing agreements.

(C) Written Exhibits. Immediately upon presentation to him by a witness at a hearing, the Presiding Officer will determine whether or not any written material presented is to be read into or attached to the record. If accepted, the Presiding Officer will number the document and immediately turn same over to the Official Reporter. The witness, however, will be allowed, if he so desires, the use of this numbered exhibit during the remainder of his statement, but must return it to the Official Reporter at the conclusion of his testimony.



If the material which the witness desires to use in support of his position is a book or other cumbersome document, the Presiding Officer may order it incorporated in the record by way of reference only, and/or to be filed in the Office of the Chief Hearing Clerk for purposes of said reference. The Official Reporter, on instruction from the Presiding Officer, shall number such documents and note in the record the fact that they are available for reference in the office of the Chief Hearing Clerk.

(D) Physical Exhibits. All exhibits other than printed matter submitted at a hearing are to be tagged and identified with the name and address of the party submitting same, and/or the organization he represents.

### III. PROCEDURE SUBSEQUENT TO THE HEARING

#### A. Written Statements

The Presiding Officer will announce at the hearing the time to be allowed for the filing of briefs or other written testimony to be considered in connection with the record.

Briefs or other written testimony relating to the subject matter of the hearing may be filed before, at, or after the hearing. In any case, the same rules as to number of copies, sizes, verification, address, delivery, etc., will apply.

1. Number of Copies Necessary. Written material must be submitted in triplicate or in any additional number specified by the Presiding Officer at the hearing.

2. Size of Paper Required. Such written material, in so far as practicable, is to be submitted on letter-size --  $8\frac{1}{2}$ " x 11", and is to be fastened on the left-hand side.

3. Time of Delivery. Such written statements must be delivered to the office of the Chief Hearing Clerk, or be in the mail and postmarked for that office not later than 12:00 midnight of the final day of the period allowed by the Presiding Officer. This period shall commence to run on the day following the close of the hearing.

4. Statements to be Sworn To. All written statements shall bear substantially the following oath on each copy, which is to be subscribed and sworn to before a notary public, whose signature and seal must also appear on each copy of the brief:

STATE OF \_\_\_\_\_ )  
 ) SS:  
 COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn, depose and say,

That I am the party who has signed the foregoing statement (argument or brief as case may be) and that all or any statements of fact therein contained are true to the best of my knowledge and belief.

SEAL

\_\_\_\_\_  
 Signature.

\_\_\_\_\_  
 Notary.

\_\_\_\_\_  
 Address.



5. Name and Address Necessary. All such written statements are to contain the name and address of the party submitting same.

6. Where to mail Statements. All such written statements are to be mailed to Chief Hearing Clerk, Room 5428 South Building, United States Department of Agriculture, Washington, D. C.

#### IV. HOW TO OBTAIN COPIES OF TRANSCRIPTS, CODES, AGREEMENTS, ETC.

Certified copies of all public documents relating to a given hearing may be obtained from the Office of the Chief Hearing Clerk, Agricultural Adjustment Administration.

Copies of proposed or finally approved codes, marketing agreements, licenses, etc., may be obtained from the correspondence, Records and Printing Section, Agricultural Adjustment Administration. All orders are to be accompanied by mailing lists of individual addresses.

Bulk orders for approved (printed) codes, agreements, licenses, etc. are to be sent to the Superintendent of Documents, Government Printing Office, Washington, D. C., and are subject to a charge of \$3.75 per hundred.

Copies of the transcripts of hearing and accompanying documents are available for free public inspection in the office of the Chief Hearing Clerk, Agricultural Adjustment Administration.

Copies of the transcript of a given hearing are obtainable from the Official Reporter thereof for 10¢ per typewritten page. Agricultural Adjustment Administration hearings held in Washington, D.C.

are reported by Earl W. Cooper, 317 Columbian Building, Washington, D. C. Agricultural Adjustment Administration hearings held in cities other than Washington, D. C. are reported by Neil Satterlee, 1742 K St., N. W., Washington, D. C.





